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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,638	01/23/2002	Hiroshi Komatsu	4805.0185-02	4034

22852 7590 09/02/2003

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EXAMINER

TON, MINH TOAN T

ART UNIT PAPER NUMBER

2871

DATE MAILED: 09/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/052,638	KOMATSU, HIROSHI	
	Examiner	Art Unit	
	Toan Ton	2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-50 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 20-50 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/114,302.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 20-50 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-16 of U.S. Patent No. 6259502. Although the conflicting claims are not identical, they are not patentably distinct from each other because the present and patent claims recite common and overlapping subject matter such as a common bus line over a first substrate; a first insulator over the common bus line; a data electrode over the first insulator, the data electrode at least partially covering the common bus line to form a

Art Unit: 2871

storage capacitor between the data electrode and the common bus line; a second insulator over the data electrode; and a common electrode over the second insulator.

The patent recites in claim 3 the data electrode conductively coupled to the common bus line through a hole in the first and second insulators.

The patent recites in claim 5 the first insulator includes a gate insulator.

The patent recites in claim 7 the second insulator including a passivation layer.

The patent recites in claim 8 a plurality of gate and data bus lines aligned in the first substrate to define a plurality of pixel regions, wherein the common electrode at least partially overlies the data bus lines.

The patent recites in claim 13 the data bus lines including one of a Mo metal layer, Mo/Al/Mo triple metal layers, or Cr/Al/Cr triple metal layers.

The patent recites the alignment layer including of polyimide or polyamide, or polyvinylcinnamate or polysiloxane based materials.

The use of a black matrix (commonly disposed in non-displaying regions) is common and known in the art for advantages such as high contrast and resolution. Therefore, it would have been obvious to one of ordinary skill in the art to employ a black matrix for advantages such as high contrast and resolution.

3. Claims 20-50 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 of U.S. Patent No. 6384888. Although the conflicting claims are not identical, they are not patentably distinct from each other because the present and patent claims recite common and overlapping subject matter such as a common

Art Unit: 2871

bus line over a first substrate; a first insulator over the common bus line; a data electrode over the first insulator, the data electrode at least partially covering the common bus line to form a storage capacitor between the data electrode and the common bus line; a second insulator over the data electrode; and a common electrode over the second insulator.

The patent recites in claim 3 the data electrode conductively coupled to the common bus line through a hole in the first and second insulators.

The patent recites in claim 7 the data bus lines including one of a Mo metal layer, Mo/Al/Mo triple metal layers, or Cr/Al/Cr triple metal layers.

The patent recites in claim 9 the alignment layer including of polyimide or polyamide, or polyvinylcinnamate or polysiloxane based materials.

The use of a black matrix (commonly disposed in non-displaying regions) is common and known in the art for advantages such as high contrast and resolution. Therefore, it would have been obvious to one of ordinary skill in the art to employ a black matrix for advantages such as high contrast and resolution.

Contact Information

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan Ton whose telephone number is (703) 305-3489. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

August 28, 2003


TOANTON
PRIMARY EXAMINER